

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CYBERSPACE.COM, LLC, FRENCH
DREAMS, COTO SETTLEMENT,
ELECTRONIC PUBLISHING
VENTURES, L.L.C., OLYMPIC
TELECOMMUNICATIONS, INC., IAN
EISENBERG and CHRIS HEBERD,

Defendants.

NO. C00-1806RSL

**ORDER GRANTING MOTION
FOR RELEASE OF FUNDS**

This matter comes before the Court on the “Joint Motion by the Plaintiff Federal Trade Commission and Defendants Ian Eisenberg and Olympic Telecommunications, Inc. For Release of Funds From the Court’s Registry.” Dkt. # 322. According to the motion, there is approximately \$2,482,913 in the Court’s Registry that is being held for use in the consumer redress program ordered by the Court. After consulting with its Redress Agent, it is the view of the Federal Trade Commission (“FTC”) that not all of the funds in the Court’s Registry will be needed for redress and related costs. Therefore, the FTC has agreed to the release of a portion of the funds in the Registry.


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1 Defendants Chris Hebard and Coto Settlement object to the payment of
2 registry funds to Eisenberg and/or Olympic Telecommunications because, it is alleged,
3 Coto Settlement is the rightful owner of some portion of those funds. To the extent Coto
4 Settlement has a viable claim against Olympic Telecommunications, this is not the proper
5 forum in which to resolve that dispute. Eisenberg and Olympic Telecommunications paid
6 well over \$1,400,000 into the settlement fund and, with the agreement of the FTC, that
7 amount will be returned to them. Coto Settlement is, of course, free to initiate suit to
8 recover any funds it believes were wrongfully withheld by Olympic Telecommunications
9 when the subsidiary corporate entities were dissolved, but such trust, contractual, and/or
10 corporate dissolution issues were not presented to the Court during litigation¹ and are
11 beyond the scope of its retained jurisdiction.

12 Having reviewed the motion, including the Affidavit of Ian Eisenberg, and
13 the parties' subsequent submissions, **IT IS HEREBY ORDERED** that the Clerk of the
14 Court shall disburse to the FTC One Million Four Hundred Thousand Dollars
15 (\$1,400,000.00) from the Court's Registry, which sum the FTC shall transfer to Ian
16 Eisenberg and Olympic Telecommunications, Inc.

17 **IT IS FURTHER ORDERED** that Ian Eisenberg shall pay to the FTC,
18 upon ten business days written notice by the FTC, the amount requested by the FTC, up
19 to One Million Four Hundred Thousand Dollars (\$1,400,000.00) where the FTC
20 determines that the amount is needed for consumer redress and administrative costs in
21 this case.

22
23 Dated this 7th day of January, 2008.

24 
25 Robert S. Lasnik
26 United States District Judge
27
28

¹ Defendants agreed to dismiss their various cross-claims in June 2002. See Dkt. # 191.